

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 664 OF 2018

Kum Kum Enterprises. ... Petitioner.
V/s.
Municipal Corporation of Greater Mumbai
and others. ... Respondents.

Mr.R.M.Haridas for the petitioner.
Ms.Pallavi Thakar for the respondent- MMC.

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CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 24th July 2018.

P.C.:

Not on board. Taken up on board.

2. Heard the learned counsel for the petitioner. There are only two substantive reliefs sought which are prayer clauses (a) and (b). There is no reference in the petition to any application made by the petitioner for grant of IOD/ commencement certificate in terms of the Development Control Regulations applicable to the Mumbai Municipal Corporation.

3. Only on the basis of the representation made by the petitioner through an advocate, Writ Court cannot issue a writ directing grant of IOD or commencement certificate.

4. It will be always open for the petitioner to make an application for grant of development permission/ IOD through an Architect in a prescribed format and by a prescribed mode. If such an application is made, the Municipal Corporation is bound to decide the same within a period of sixty days from the date of filing of the application.

5. If the application through an Architect in a prescribed format and by a prescribed mode is already made, the petitioner will supply all particulars thereof to the Executive Engineer of the concerned Building Proposal Department. After receiving all the particulars of such application, if any, the Executive Engineer shall communicate the outcome of the said application to the petitioner's Architect through whom the said application is made.

6. With the above directions, writ petition is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)